

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** St Paul District  
**FILE NUMBER:** 05-1030-DJP

**REGULATORY PROJECT MANAGER:** Dale J. Pfeiffle **Date:** March 1, 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office Y (Y/N) **Date:** March 1, 2005  
 At the project site    (Y/N) **Date:**                     

**PROJECT LOCATION INFORMATION:**

**State:** Wisconsin  
**County:** Kenosha  
**Center coordinates of site by latitude & longitudinal coordinates:** 42.52570498000N, 87.87898838892W  
**Approximate size of site/property (including uplands & in acres):** 86  
**Name of waterway or watershed:** Des Plaines, Illinois, Wisconsin

**SITE CONDITIONS:**

| Type of aquatic resource <sup>1</sup> | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | > 50 ac | Linear feet | Unknown |
|---------------------------------------|--------|--------|--------|---------|----------|----------|---------|-------------|---------|
| Lake                                  |        |        |        |         |          |          |         |             |         |
| River                                 |        |        |        |         |          |          |         |             |         |
| Stream                                |        |        |        |         |          |          |         |             |         |
| Dry Wash                              |        |        |        |         |          |          |         |             |         |
| Mudflat                               |        |        |        |         |          |          |         |             |         |
| Sandflat                              |        |        |        |         |          |          |         |             |         |
| Wetlands                              | X      |        |        |         |          |          |         |             |         |
| Slough                                |        |        |        |         |          |          |         |             |         |
| Prairie pothole                       |        |        |        |         |          |          |         |             |         |
| Wet meadow                            |        |        |        |         |          |          |         |             |         |
| Playa lake                            |        |        |        |         |          |          |         |             |         |
| Vernal pool                           |        |        |        |         |          |          |         |             |         |
| Natural pond                          |        |        |        |         |          |          |         |             |         |
| Other water (identify type)           |        |        |        |         |          |          |         |             |         |
| _____                                 |        |        |        |         |          |          |         |             |         |

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors <sup>1</sup> :                                      | If Known |    | If Unknown<br>Use Best Professional Judgment |                       |                                |
|---|----------|----|--|-----------------------|--------------------------------|
|   | Yes      | No | Predicted to Occur                           | Not Expected to Occur | Not Able To Make Determination |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties?  |          |    | X  |                       |                                |
| Is or would be used as habitat by other migratory birds that cross state lines? |          |    | X  |                       |                                |
| Is or would be used as habitat for endangered species?                          |          |    |  | X                     |                                |
| Is used to irrigate crops sold in interstate commerce?                          |          |    |  | X                     |                                |

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary    Or Approved X.

**ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):** A wetland delineation report was received for review and concurrence. The wetland delineation was conducted on an 86-acre agricultural parcel. The property consists of crop fields, upland woods, and a farm house with out buildings. The property is under consideration for residential development.

The wetland delineation found one 0.33 acre wetland within the 86 acre parcel. The wetland delineation report describes the wetland as a depressional area surrounded by active crop fields. A review of aerial photography from 2002 and 2000 indicated that the subject wetland lacked a surface water connection to an unnamed tributary to Jerome Creek located north of the property. In addition, the wetland is would not have a connection to interstate commerce and is not adjacent to a water of the US. The 0.33 acre delineated wetland is an isolated water.